IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7304 OF 2002
WITH
WRIT PETITION NO.7305 OF 2002

Kiran Ganpati Mali ..Petitioner.

V/s.

Jayraj Textiles ..Respondent.

Mr.Machhindra A. Patil for petitioner.

Mr.Tejpal S. Ingale for respondent.

CORAM : R.V.MORE, J.

DATED : 28TH JUNE, 2007.

P.C. :-

Heard Mr.Machhindra Patil, learned counsel for the petitioner and Mr.Tejpal Ingale, learned counsel for the respondent.

2. Petition, under Article 227 of the Constitution of India, challenges the order dated 30/9/2002 passed by the learned Civil Judge, J.D. Ichalkarnji. Mr.Ingale, learned counsel for the respondents filed an affidavit in reply in companion Writ Petition No. 7303 of 2002 pointing out that the dispute between the petitioner and the respondent have been settled amicably. He has also annexed the agreement between parties to petition, executed on

26/1/2004, which recorded the compromise. Clause 5 of the said agreement do show that the petitioner agreed to withdraw the present petition along with Writ Petition No.7303 of 2002. Mr.Ingale further submitted that the petitioner in pursuance to the agreement has given two cheques. One cheque is already realised by the respondent. The other cheque is dishonoured. However, the respondent has taken independent proceeding against the petitioner in that regard.

3. Mr.Patil, learned counsel for the petitioner submits that he has not received any instructions in the matter in spite of repeated letters to his client.

4. In view of above, it is clear that the parties to the petition have compromised the matter amicably. There is no need to go into the merits of this matter. Petition is, therefore, disposed of with no order as to costs.

5. Interim orders, if any, are discharged.

(R.V.MORE, J.)